

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

WALHONDE TOOLS, INC.,  
A West Virginia corporation,

Plaintiff,

v.

Civil Action No. 2:04-cv-00884

FLUOR ENTERPRISES, INC., d/b/a  
FLUOR DANIEL, a foreign  
corporation; FLUOR DANIEL, a  
South Carolina company; and  
AMERICAN EQUIPMENT COMPANY, INC.,  
A South Carolina corporation,

Defendants.

MEMORANDUM OPINION AND ORDER

The court conducted a status conference on December 7, 2005 and entertained Defendants' Motion to Compel Response to Written Discovery (docket # 78) and Plaintiff's Response thereto (docket # 81) together with Plaintiff's Motion to Amend Orders entered August 16, 2005 and September 12, 2005 (docket # 79).

Considering the Motion to Compel, the court again emphasizes its commitment to the free exchange of information in discovery, balanced with the interest of appropriately protecting trade secrets. In this case, the court finds that the Plaintiff's objections are without merit, and finds that the information sought by Defendants' discovery is reasonably calculated to lead to

discoverable information. As such, it is hereby **ORDERED** that Plaintiff shall answer fully and fairly all written discovery no later than the close of business on **Monday, December 19, 2005**. During discussion, it was also brought to the court's attention that the parties have not exchanged updated witness lists. It is **ORDERED** that both parties must supplement their Rule 26 witness lists by this same deadline.

Defendants indicated that they do not object to entry of an Order protecting appropriate materials from public disclosure. It is **ORDERED** that the parties formulate and sign such an Order, and that such Order shall reserve exclusively to the court the question of whether any documents shall be filed under seal.

Reconsidering its Orders of August 16, 2005 and September 12, 2005, the court finds that Plaintiff has shown good cause to compel Defendants to supply information sought in written discovery as to the Big Brown, Roxboro, and Monticello locations, but no others at this time. Accordingly, it is **ORDERED** that Defendants shall answer Interrogatories # 1, 7, and 8 as to these three locations only, and Requests for Production # 1, 2, 3, 4, 5, 11, 12, 13, 15, 16, and 18 as to these three locations only, no later than the close of business on Monday, December 19, 2005.

The court sets a follow up status conference for **Tuesday, December 20, 2005 at 10:00 a.m.** The outstanding discovery ordered herein shall be provided in hand to opposing counsel no later than

close of business on December 19, 2005 such that counsel may review the material and be fully prepared for hearing the following day.

Defendants' Motion to Compel Responses to Written Discovery (docket # 78) is **GRANTED**. Plaintiff's Motion to Amend Orders Entered August 16, 2005 and September 12, 2005 is **GRANTED IN PART** and **DENIED IN PART** as stated herein.

The Clerk is instructed to transmit copies of this written Order to counsel of record.

**ENTER** this 9th day of December, 2005.

  
\_\_\_\_\_  
Mary E. Stanley  
United States Magistrate Judge